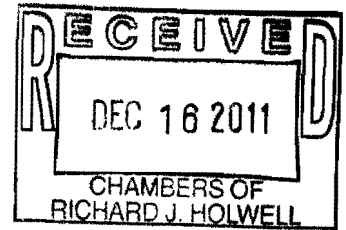


*Holwell*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



DEUTSCHE BANK TRUST COMPANY AMERICAS, in  
its capacity as successor indenture trustee for certain series  
of Senior Notes, et al.

Plaintiffs,

vs.

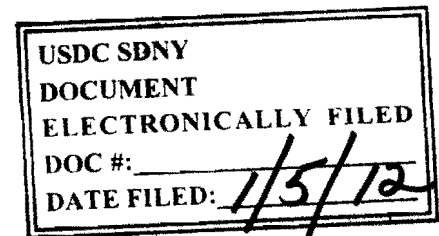
Case No. 11 Civ. 4784 (RJH)

ADALY OPPORTUNITY FUND TD SECURITIES INC.  
C/O ADALY INVESTMENT MANAGEMENT CO., et  
al.,

Defendants.

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and the terms, conditions and limitations of a stipulation between the parties of even date herewith, Plaintiffs Deutsche Bank Trust Company Americas, in its capacity as successor indenture trustee for a certain series of Senior Notes, Law Debenture Trust Company of New York, in its capacity as successor indenture trustee for a certain series of Senior Notes, and Wilmington Trust Company, in its capacity as successor indenture trustee for the PHONES notes, hereby dismiss this action without prejudice solely against defendant Intesa Sanpaolo which has neither moved nor answered.



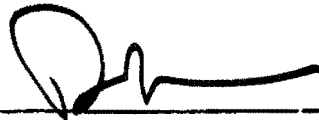
Respectfully submitted,

David M. Zensky /co  
David M. Zensky, Esq.  
Stephen M. Baldini, Esq.  
Mitchell Hurley, Esq.  
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Phone: (212) 872-1000  
Facsimile: (212) 872-1002

Dated: December 8, 2011

*Counsel for Plaintiffs*

SO ORDERED:



U.S.D.J.

1/3/12

